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10/651,308

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EXAMINER

PARK, GEORGE M

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/651,308	Applicant(s) IKEZAWA ET AL.	
	Examiner GEORGE PARK	Art Unit 4114	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 06 December 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____. |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>8/29/2003</u> . | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Drawings

1. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference character “23” has been used to designate both input devices and customer DB in Figs. 1, 2, 10 and 11. In addition, the drawings are also objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: “know-how DB 24” (page 22, lines 12, 13 and 17, page 23, line 7). Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either “Replacement Sheet” or “New Sheet” pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

In addition to Replacement Sheets containing the corrected drawing figure(s), applicant is required to submit a marked-up copy of each Replacement Sheet including annotations indicating the changes made to the previous version. The marked-up copy must be clearly labeled as “Annotated Sheets” and must be presented in the amendment or remarks section that explains the change(s) to the drawings. See 37 CFR 1.121(d)(1). Failure to timely submit the proposed drawing and marked-up copy will result in the abandonment of the application.

Claim Rejections - 35 USC § 101

2. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

3. Claim 12 is rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. In order for the claimed invention to be statutory subject matter, the claimed invention must fall within one of the statutory classes of invention as set forth in § 101 (i.e. a process, machine, manufacture, or composition of matter). In the present case, the claimed “a computer data signal” *per se* does not fall within one of the statutory subject matter set forth in § 101.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

5. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

6. Claims 1 and 4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Haris et al. (U.S. Pub. No. 2001/0013004 A1) in view of Lewis et al. (U.S. Pub. No. 2002/0029194 A1).

Regarding to claim 1, Haris et al. discloses the invention substantially as claimed. Haris et al. discloses a data collection supporting system which includes a server which collects data regarding to deals from terminal devices (i.e. computers) (paragraph [0027], lines 1-3) being connected to said server via a network (paragraph [0022], lines 3-5), comprising: data input (i.e. submit) means for inputting the deal data collected by a sales agent to said server via said network (paragraph [0010], lines 3-5); data storing means for storing the deal data input by said data input means (paragraph [0047], lines 4-7); data analyzing means for analyzing the deal data stored by said data storing means (paragraph [0008], line 7, paragraph [0010], lines 6-8). However, Haris et al. does not disclose data analyzing means for analyzing the deal data stored by said data storing means to determine whether predetermined data items necessary for recognizing the deal status are failed or not; and failure notification means for notifying said

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sales agent that the input deal data have failure. Lewis et al. discloses data analyzing means (i.e. scanning) for analyzing the deal data stored by said data storing means to determine whether predetermined data items necessary for recognizing the deal status are failed (i.e. missing) or not; and failure notification means for notifying said sales agent (i.e. participants) that the input deal data have failure (i.e. missing) (paragraph [0130], lines 1-5). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to combine the system of Haris et al. with the feature of data analyzing means for analyzing the deal data stored by said data storing means to determine whether predetermined data items necessary for recognizing the deal status are failed or not; and failure notification means for notifying said sales agent that the input deal data have failure as taught by Lewis et al., as both Haris et al. and Lewis et al. are directed to the data collection supporting system which collects data regarding to deals from terminal devices being connected to said server via a network. The motivation for doing so would have been to notify the sales agent any deal data that have failure (i.e. missing) in order to close a deal.

Regarding to claim 4, Haris et al. discloses the invention substantially as claimed. Haris et al. discloses a server being connected with terminal devices via a network (paragraph [0022], lines 3-5, FIG. 1), comprising: a data collecting unit (i.e. sales reporting module) which collects data regarding to business deals from said terminal device operated by a sales agent via said network (paragraph [0010], lines 3-5); a database which stores the deal data collected by said data collecting unit so as to be associated with information of the sales agents and customers (paragraph [0026], lines 8-10, paragraph [0047], lines 4-7); a data analyzer which analyzes the deal data stored in said database deal by deal (paragraph [0033], lines 13-15); and a message

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generator which generates a message; and a message transmitter (i.e. routing) which transmits the message generated by said message generator to said terminal devices (i.e. computers) operated by said sales agent via said network (paragraph [0044], lines 1-3 and 6-10). However, Haris et al. does not explicitly disclose a data analyzer which analyzes the deal data stored in said database deal by deal to determine whether predetermined data items necessary for recognizing the status of each deal are failed or not; a message generator which generates a message representing that the collected deal data have failures when the failure is found. Lewis discloses a data analyzer (i.e. scan) to determine whether predetermined data items necessary for recognizing the status of each deal are failed (i.e. missing) or not (paragraph [0130], lines 1-5). Therefore, it would have been obvious to one ordinary in the skill at the time the invention was made to combine the server of Haris et al. with the feature of a data analyzer which analyzes the deal data stored in said database deal by deal to determine whether predetermined data items necessary for recognizing the status of each deal are failed or not; a message generator which generates a message representing that the collected deal data have failures when the failure is found as taught by Lewis et al., as both Haris et al. and Lewis et al. are directed to a server being connected with terminal devices via a network. The motivation for doing so would be to notify the sales agent to collect failed sales data.

7. Claims 2, 3, 5 and 7-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Haris et al. (U.S. Pub. No. 2001/0013004 A1) in view of Lewis et al. (U.S. Pub. No. 2002/0029194 A1) and further in view of Regan (U.S. Pat. No. 6,898,574 B1).

Regarding to claims 2 and 5, Haris et al. and Lewis et al. discloses the invention substantially as claimed. However, Haris et al. and Lewis et al. do not explicitly disclose wherein, said failure notification means notifies said sales agent to collect information for the failed data items (as per claim 2) and wherein, said message generator generates the message for requesting said sales agent to collect information regarding to the failed data items from the customer (as per claim 5). Regan teaches providing notification (i.e. electronic communication) to include information (column 3, lines 54-58) for the sales agents to complete their assignment task. It is common knowledge in the prior art for the information to include ways sales agents collect information for the failed (i.e. missing) data items. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to combine the system and server of Haris et al. and Lewis et al. with the feature of wherein, said failure notification means notifies said sales agent to collect information for the failed data items (as per claim 2) and wherein, said message generator generates the message for requesting said sales agent to collect information regarding to the failed data items from the customer (as per claim 5) as taught by Regan, as Haris et al., Lewis et al. and Regan are directed to the system and server for data collection. The motivation for doing so would have been to notify the sales agent to collect failed data items in order to continue with the sales transaction.

Regarding to claim 3, Haris et al. and Lewis et al. discloses the invention substantially as claimed. However, Haris et al. and Lewis et al. do not disclose wherein, said failure notification means notifies said sales agent of know-how for getting information out of a customer. Regan teaches providing electronic communication to sales agents (column 3, line 44) know-how (i.e. instructions) required by the sales agents to gather information out of a customer (column 3, lines

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54-58). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to combine the system of Haris et al. and Lewis et al. with the feature of wherein, said failure notification means notifies said sales agent of know-how (i.e. instructions) for getting information out of a customer as taught by Regan, as Haris et al., Lewis et al. and Regan are directed to the data collection supporting system. The motivation for doing so would be to guide the sales agent how to gather failed data.

Regarding to claim 7, Haris et al. and Lewis et al. discloses the invention substantially as claimed. Haris et al. discloses said database (paragraph [0047], lines 4-7); said data analyzer analyzes the deal data stored in said database (paragraph [0008], line 7, paragraph [0010], lines 6-8, paragraph [0033], lines 13-15); and said message transmitter (i.e. routing) (paragraph [0044], lines 1-3 and 6-10). However, Haris et al. and Lewis et al. do not explicitly disclose wherein, said database further stores know-how data representing know-how for getting information out of a customer; said data analyzer analyzes the deal data stored in said database to select know-how data; and said message transmitter transmits the know-how data selected by said data analyzer to said terminal device operated by said sales agent. Regan teaches providing electronic communication to sales agents (column 3, line 44) know-how (i.e. instructions) required by the sales agents to gather information out of a customer (column 3, lines 54-58). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to combine the system of Haris et al. and Lewis et al. with the feature of wherein, said database further stores know-how data representing know-how for getting information out of a customer; said data analyzer analyzes the deal data stored in said database to select know-how data; and said message transmitter transmits the know-how data selected by

said data analyzer to said terminal device operated by said sales agent as taught by Regan, as Haris et al., Lewis et al. and Regan are directed to a server being connected with terminal devices via a network. The motivation for doing so would be to guide the sales agent how to gather failed information out of a customer.

Regarding to claim 8, Haris et al. and Lewis et al. discloses the invention substantially as claimed. However, Haris et al. and Lewis et al. do not disclose wherein said data analyzer analyzes the deal data stored in said database to determine whether the deal concerned should be continued or not. Regan teaches electronic communication and access for providing sales agents information as may be required by those sales agents to complete their assignment task (column 3, lines 54-58). It is common knowledge in the prior art for the information to include whether the deal concerned should be continued or not. Therefore, it would have obvious to one having ordinary skill in the art at the time the invention was made to combine the server of Haris et al. and Lewis et al. with the feature of wherein, said data analyzer analyzes the deal data stored in said database to determine whether the deal concerned should be continued or not as taught by Regan, as Haris et al., Lewis et al. and Regan are directed to a server being connected with terminal devices via a network. The motivation for doing so would have been to guide the sales agent whether the deal concerned should be continued or not.

Regarding to claim 9, Haris et al. and Lewis et al. discloses the invention substantially as claimed. Haris et al. discloses a data collecting method for collecting data of business deals in a computer system including computers being connected from each other via a network (paragraph [0021], lines 1-9, paragraph [0027], lines 1-3), comprising the steps of: collecting the deal data from a sale agent (paragraph [0010], lines 3-5); storing the collected deal data in a database

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(paragraph [0047], lines 4-7); and analyzing the deal data in said database deal by deal (paragraph [0008], line 7, paragraph [0010], lines 6-8). Lewis et al. discloses determining whether predetermined data items necessary for recognizing the deal status are failed (i.e. missing) from the deal data or not (paragraph [0130], lines 1-5). However, Haris et al. and Lewis et al. do not explicitly disclose notifying said sales agent that the deal data should be fulfilled, and requesting said sales agent to collect the failed information from a customer with notifying said sales agent of tips for getting information out of the customer, in a case where it is determined that the predetermined data items are failed. Regan teaches providing notification (i.e. electronic communication) to include information (column 3, lines 54-58) for the sales agents to complete their assignment task and requesting (i.e. electronic communication) to sales agents (column 3, line 44) tips (i.e. instructions) for getting information out of a customer (column 3, lines 54-58). It is common knowledge in the prior art for the information to include notification for sales agents to collect information for the failed (i.e. missing) data items. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to combine the method of Haris et al. and Lewis et al. with the feature of notifying said sales agent that the deal data should be fulfilled, and requesting said sales agent to collect the failed information from a customer with notifying said sales agent of tips for getting information out of the customer, in a case where it is determined that the predetermined data items are failed as taught by Regan et al., as Haris et al., Lewis et al., and Regan are directed to the method for collecting data of business deals. The motivation for doing so would have been to notify the sales agent information and tips of any deal data that have failure (i.e. missing) in

order to continue with a deal or not.

8. Claims 6 and 10-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Haris et al. (U.S. Pub. No. 2001/0013004 A1) in view of Lewis et al. (U.S. Pub. No. 2002/0029194 A1) further in view of Regan (U.S. Pat. No. 6,898,574 B1) and furthermore in view of Yajima et al. (U.S. Pat. No. 5,331,543).

Regarding to claim 6, Harris et al., Lewis et al. and Regan discloses the invention substantially as claimed. Haris et al. discloses wherein said data analyzer which analyzes the deal data stored in said database deal by deal (paragraph [0033], lines 13-15); said message generator which generates a message; and said message transmitter (i.e. routing) transmits the message to a terminal devices (i.e. computers) operated via said network (paragraph [0044], lines 1-3 and 6-10). Lewis discloses a data analyzer (i.e. scan) to determine whether predetermined data items necessary for recognizing the status of each deal are completed (i.e. missing data) or not (paragraph [0130], lines 1-5). However, Haris et al., Lewis et al. and Regan do not explicitly disclose wherein said message generator generates a message for requesting a supervisor of said sales agent to make business decision on the deal concerned, in a case where said data analyzer determines that the deal data concerned are completed; and said message transmitter transmits the message to a terminal device operated by said supervisor via said network together with the deal data of the deal concerned. Yajima et al. teaches a supervisor to obtain necessary information to make a decision (column 1, lines 16-19). Therefore, it would have been obvious one having ordinary skill in the art at the time the invention was made to combine the server of Harris et al., Lewis et al. and Regan with the feature of wherein said message generator generates

a message for requesting a supervisor of said sales agent to make business decision on the deal concerned, in a case where said data analyzer determines that the deal data concerned are completed; and said message transmitter transmits the message to a terminal device operated by said supervisor via said network together with the deal data of the deal concerned as taught by Yajima et al. as Harris et al., Lewis et al., Regan and Yajima et al. are directed to the server being connected with terminal devices via a network. The motivation for doing so would have been to notify the supervisor to make a business decision on the deal concerned.

Regarding to claim 10, Harris et al., Lewis et al. and Regan discloses the invention substantially as claimed. Lewis et al. discloses analyzing (i.e. scan) the deal data in said database to determine whether the deal data are completed or not (i.e. missing) (paragraph [0130], lines 1-5). However, Harris et al., Lewis et al. and Regan do not disclose requesting a supervisor of said sales agent to determine whether the deal should be continued or not, in a case where it is determined that the deal data for the deal concerned are completed. Yajima et al. teaches a supervisor to obtain necessary information to make a decision (column 1, lines 16-19). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to combine the method of Harris et al., Lewis et al. and Regan with the feature of requesting a supervisor of said sales agent to determine whether the deal should be continued or not, in a case where it is determined that the deal data for the deal concerned are completed as taught by Yajima et al. as Harris et al., Lewis et al., Regan, and Yajima et al. are directed to the method for collecting data of business deals. The motivation for doing so would be for the supervisor of the organization to make the final decision regarding sales transactions.

Regarding to claims 11 and 12, Harris et al., Lewis et al. and Regan discloses the invention substantially as claimed. Harris et al. discloses a computer program product (i.e. software) for causing a computer to execute a data collecting method (paragraph [0024], lines 6-11, paragraph [0127], lines 1-3) comprising the steps of: collecting the deal data from a sale agent (paragraph [0010], lines 3-5); storing the collected deal data in a database (paragraph [0047], lines 4-7); analyzing the deal data in said database deal by deal (paragraph [0008], line 7, paragraph [0010], lines 6-8). Lewis et al. discloses analyzing (i.e. scanning) the deal data in said database deal by deal to determine whether predetermined data items necessary for recognizing the deal status are failed and whether the deal data are completed (i.e. missing) or not; notifying said sales agent (i.e. participants) that the deal data should be fulfilled (i.e. missing) (paragraph [0130], lines 1-5). Regan teaches providing notification (i.e. electronic communication) to include information (column 3, lines 54-58) for the sales agents to complete their assignment task and requesting (i.e. electronic communication) to sales agents (column 3, line 44) tips (i.e. instructions) for getting information out of a customer (column 3, lines 54-58). However, Harris et al., Lewis et al. and Regan and do not explicitly disclose requesting a supervisor of said sales agent to determine whether the deal should be continued or not, in a case where it is determined that the deal data for the deal concerned are completed. Yajima et al. teaches a supervisor to obtain necessary information to make a decision (column 1, lines 16-19). In addition, Harris et al., Lewis et al. and Regan and do not explicitly disclose a computer data signal embodied in a carrier wave for causing a computer to execute a data collecting method (as per claim 12). It is common knowledge in the prior art for the computer program product to consist of computer data signal embodied in a carrier wave for causing a computer to execute a data collecting

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method. Therefore, it would have been obvious one having ordinary skill in the art at the time the invention was made to combine the computer program product of Haris et al., Lewis et al. and Regan with the feature of requesting a supervisor of said sales agent to determine whether the deal should be continued or not, in a case where it is determined that the deal data for the deal concerned are completed as taught by Yajima et al., as Haris et al., Lewis et al., Regan et al. and Yajima et al. are directed to a computer program product (as per claim 11) and a computer data signal embodied in a carrier wave (as per claim 12) for causing a computer to execute data collecting method. The motivation for doing so would have been to notify the supervisor to make a business decision on the deal concerned.

Conclusion

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Azuma (U.S. Pub. No. 2002/0010592 A1) discloses a business deal system. Kelman et al. (U.S. Pat. No. 6,850,896 B1) discloses a method and system for managing sales data. Moreau (U.S. Pub. No. 2002/0035538 A1) discloses a system and method for facilitating buying and selling of products and services.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to GEORGE PARK whose telephone number is (571)270-3547. The examiner can normally be reached on Monday - Friday (EST).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joe Cheng can be reached on (571) 272-4433. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

GP
1/24/08

/Joe H Cheng/
Supervisory Patent Examiner
Art Unit 4114